

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELLAN CORP. INC.,

Plaintiff,

-vs-

DONGKWANG INTERNATIONAL CO., LTD.,

Defendant.

Case No.

09-CIV-00414(LAP)(MHD)

DONGKWANG INTERNATIONAL CO., LTD,

Counterclaim-Plaintiff,

-vs-

ELLAN CORP. INC. and AMERICAN FASHION
BRANDS, LLC,

Counterclaim-Defendants.

PLAINTIFF'S INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)

Plaintiff, ELLAN CORP. INC. ("Ellan"), for its initial disclosures pursuant to Rule 26(a)(1) of the Fed.R.Civ.P., states:

Names of Witnesses

Plaintiff is currently aware of the following individuals likely to have discoverable information that the plaintiff may use in support of its claims or defenses in this action. As the plaintiff learns the identity of additional individuals with knowledge, plaintiff will supplement its disclosures herein.

Kim, Saeda (Rich Kim) – President, Ellan Corp. Inc.
Lee, Jaesoo – President, Dongkwang International Co., Ltd.
Min, Dae-Ki – Attorney for Dongkwang International Co., Ltd.

Documents

Copies of all documents and electronically stored information pertaining to this action, of which the plaintiff is currently aware, and which are within the possession, custody or control of the plaintiff, are being mailed simultaneously herewith, by Priority Mail, to opposing counsel, Bates-numbered as Ellan001—Ellan080. Plaintiff is not aware of any tangible things within its possession, custody, or control pertaining to this action. Should plaintiff learn of any additional documents, electronically stored information, or tangible things pertaining to this action within its possession, custody, or control, plaintiff will supplement its disclosures herein.

Damages

Plaintiff's damages calculations are set forth below. All of these damage calculations are preliminary and approximate. Should plaintiff learn of any additional or different damages, plaintiff will supplement its disclosures herein.

Loss of Profit on initial purchase of 60,000 units	\$120,000.00
Loss of Profit on annual sales of 200,000 units for 3 years	\$1,200,000.00
Liquidated Damages, per paragraph 8.5 of the Distributorship Agreement (retail price for 800,000 units)	\$8,000,000.00

Insurance Agreements

Plaintiff is not aware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in this action. Should plaintiff learn of any such insurance agreement, plaintiff will supplement its disclosures herein.

Dated: September 8, 2009

GEIGER and ROTHENBERG, LLP
Attorneys for Plaintiff Ellan

by: s/Alexander Geiger
Alexander Geiger, Esq. (AG-8974)
920 N. Broad Street, Suite 8
Lansdale, PA 19446
(215) 880-9439

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2009, I served, by Priority Mail and by email, the foregoing Plaintiff's Initial Disclosures Pursuant to Rule 26(a)(1) upon the following:

Bong June Kim, Esq.
KIM & BAE, P.C.
Attorneys for Defendant Dongkwang
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New York, NY 10022
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Melanie I. Wiener, Esq.
COBERT, HABER & HABER
Attorneys for Third-Party Defendant AFB, sued herein as Counterclaim-Defendant
1050 Franklin Avenue, Suite 507
Garden City, NY 11530
Email: melanie@coberthaber.corn

Dated: September 8, 2009

GEIGER and ROTHENBERG, LLP
Attorneys for Ellan

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